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THE ILLINOIS
BEAUTY CULTURE ACT

STATE OF ILLINOIS

WILLIAM G. STRATTON
GOVERNOR



DEPARTMENT OF

REGISTRATION AND EDUCATION

VERA M. BINKS
Director

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THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code. (Amended by Act approved July 24, 1945.)

§ 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration

as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

§ 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

§ 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

§ 4-5. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registra-

tion and Education to take such action and to make such report for the profession involved herein as follows:

Three (3) practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 24, 1945.)

§ 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study determined by an examination conducted by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department

of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than one thousand (1,000) hours extending over a period of not less than six (6) months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 5a. Repealed by Act approved July 24, 1945.

§ 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

§ 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than four (4) examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 20, 1935.)

§ 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

§ 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

§ 11. Every registered beauty culturist and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of September of each year, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year, shall expire on the first day of October in that year. All certificates of registration remaining in good standing on the effective date of this amendatory act shall expire on the first day of October, 1946, unless renewed during the month of September of that year. A registered beauty culturist whose certificate of registration has expired may have his certificate of registration restored immediately upon payment of all lapsed renewal fees and also upon payment of the required restoration fee, provided, however, not more than five (5) years have elapsed since the date of expiration.

A registered beauty culturist whose certificate of registration has expired for more than five (5) years may have his certificate of registration restored only by passing an oral and practical examination to determine his fitness and by paying the required fee.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least two hundred fifty (250) hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from said school. Such an applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from said school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been re-

jected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. However, any registered beauty culturist or registered apprentice whose certificate of registration has expired while he has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored without paying any lapsed renewal fees or restoration fee if within two years after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (Amended by Act approved July 18, 1947.)

§ 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction:

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertising by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both

the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

§ 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have

power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

§ 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

§ 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

§ 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

§ 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

§ 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifica-

tions thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

§ 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

§ 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

§ 12-i. Repealed. (Act approved July 30, 1949.)

§ 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

§ 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is ten dollars ($10.00).

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is one dollar ($1.00).

The fee to be paid by an applicant to determine his preliminary education is five dollars ($5.00).

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another

state or territory of the United States or a foreign country or province, is fifteen dollars ($15.00).

The fee to be paid upon the renewal of a certificate of registration is one dollar ($1.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered apprentice is two dollars ($2.00).

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for examination to determine his fitness to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant for a certificate to teach theory and practical, or practical beauty culture only, is five dollars ($5.00).

The fee to be paid for a second and subsequent examination for a certificate to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is two dollars ($2.00).

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is five dollars ($5.00). (Amended by Act approved July 24, 1945.)

§ 15. Repealed by Act approved July 10, 1935.

§ 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of

registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certicate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all

penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

§ 16. Whoever violates any of the following shall, for the first offense, be fined not less than $100 nor more than $500; for the second offense, be fined not less than $500 nor more than $1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty

culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

§ 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

§ 17a, § 17b. Repealed by Act approved July 24, 1945.

§ 18. This Act may be known and cited as "The Illinois Beauty Culture Act."

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Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code. (Amended by Act approved July 24, 1945.)

§ 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration

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Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

§ 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee. which shall be composed of persons designated from time to time by the Director of Registra-

tion and Education to take such action and to make such report for the profession involved herein as follows:

Three (3) practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 24, 1945.)

§ 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study determined by an examination conducted by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department

of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than one thousand (1,000) hours extending over a period of not less than six (6) months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 5a. Repealed by Act approved July 24, 1945.

§ 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

§ 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than four (4) examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 20, 1935.)

§ 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

§ 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

§ 11. Every registered beauty culturist and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of September of each year, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year, shall expire on the first day of October in that year. All certificates of registration remaining in good standing on the effective date of this amendatory act shall expire on the first day of October, 1946, unless renewed during the month of September of that year. A registered beauty culturist whose certificate of registration has expired may have his certificate of registration restored immediately upon payment of all lapsed renewal fees and also upon payment of the required restoration fee, provided, however, not more than five (5) years have elapsed since the date of expiration.

A registered beauty culturist whose certificate of registration has expired for more than five (5) years may have his certificate of registration restored only by passing an oral and practical examination to determine his fitness and by paying the required fee.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least two hundred fifty (250) hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from said school. Such an applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from said school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been re-

jected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. However, any registered beauty culturist or registered apprentice whose certificate of registration has expired while he has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored without paying any lapsed renewal fees or restoration fee if within two years after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (Amended by Act approved July 18, 1947.)

§ 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction:

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertising by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both

the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

§ 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have

power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

§ 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

§ 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

§ 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

§ 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

§ 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifica-

tions thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

§ 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

§ 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

§ 12-i. Repealed. (Act approved July 30, 1949.)

§ 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

§ 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is ten dollars ($10.00).

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is one dollar ($1.00).

The fee to be paid upon the renewal of a certificate of registration as a registered apprentice is one dollar ($1.00). (Amended by Act approved July 5, 1957.)

The fee to be paid by an applicant to determine his preliminary education is five dollars ($5.00).

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is fifteen dollars ($15.00).

The fee to be paid upon the renewal of a certificate of registration as a registered beauty culturist is three dollars ($3.00). (Amended by Act approved July 5, 1957.)

The fee to be paid for the restoration of an expired certificate of registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered apprentice is two dollars ($2.00).

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for examination to determine his fitness to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant for a certificate to teach theory and practical, or practical beauty culture only, is five dollars ($5.00).

The fee to be paid for a second and subsequent examination for a certificate to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is two dollars ($2.00).

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is five dollars ($5.00). (Amended by Act approved July 24, 1945.)

§ 15. Repealed by Act approved July 10, 1935.

§ 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any in-

junction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

§ 16. Whoever violates any of the following shall, for the first offense, be fined not less than $100 nor more than $500; for the second offense, be fined not less than $500 nor more than $1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an at tempt to practice in the profession by fraudu lent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

§ 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

§ 17a, § 17b. Repealed by Act approved July 24, 1945.

§ 18. This Act may be known and cited as "The Illinois Beauty Culture Act."

(Printed by Authority of the State of Illinois)

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THE ILLINOIS
BEAUTY CULTURE ACT

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THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code. (Amended by Act approved July 24, 1945.)

§ 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration

as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

§ 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

§ 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

§ 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registra-

tion and Education to take such action and to make such report for the profession involved herein as follows:

Three (3) practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 24, 1945.)

§ 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study determined by an examination conducted by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department

of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than one thousand (1,000) hours extending over a period of not less than six (6) months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 5a. Repealed by Act approved July 24, 1945.

§ 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

§ 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than four (4) examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 20, 1935.)

§ 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

§ 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

§ 11. Every registered beauty culturist and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of September of each year, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year, shall expire on the first day of October in that year. All certificates of registration remaining in good standing on the effective date of this amendatory act shall expire on the first day of October, 1946, unless renewed during the month of September of that year. A registered beauty culturist whose certificate of registration has expired may have his certificate of registration restored immediately upon payment of all lapsed renewal fees and also upon payment of the required restoration fee, provided, however, not more than five (5) years have elapsed since the date of expiration.

A registered beauty culturist whose certificate of registration has expired for more than five (5) years may have his certificate of registration restored only by passing an oral and practical examination to determine his fitness and by paying the required fee.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least two hundred fifty (250) hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from said school. Such an applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from said school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been re-

jected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. However, any registered beauty culturist or registered apprentice whose certificate of registration has expired while he has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored without paying any lapsed renewal fees or restoration fee if within two years after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (Amended by Act approved July 18, 1947.)

§ 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction:

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertising by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both

the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

§ 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have

power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

§ 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

§ 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

§ 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

§ 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

§ 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifica-

tions thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

§ 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.
2. That such Director is duly appointed and qualified.
3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

§ 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

§ 12-i. Repealed. (Act approved July 30, 1949.)

§ 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

§ 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is ten dollars ($10.00).

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is one dollar ($1.00).

The fee to be paid upon the renewal of a certificate of registration as a registered apprentice is one dollar ($1.00). (Amended by Act approved July 5, 1957.)

The fee to be paid by an applicant to determine his preliminary education is five dollars ($5.00).

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is fifteen dollars ($15.00).

The fee to be paid upon the renewal of a certificate of registration as a registered beauty culturist is three dollars ($3.00). (Amended by Act approved July 5, 1957.)

The fee to be paid for the restoration of an expired certificate of registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered apprentice is two dollars ($2.00).

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for examination to determine his fitness to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant for a certificate to teach theory and practical, or practical beauty culture only, is five dollars ($5.00).

The fee to be paid for a second and subsequent examination for a certificate to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is two dollars ($2.00).

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is five dollars ($5.00). (Amended by Act approved July 24, 1945.)

§ 15. Repealed by Act approved July 10, 1935.

§ 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certicate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any in-

junction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

§ 16. Whoever violates any of the following shall, for the first offense, be fined not less than $100 nor more than $500; for the second offense, be fined not less than $500 nor more than $1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

§ 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

§ 17a, § 17b. Repealed by Act approved July 24, 1945.

§ 18. This Act may be known and cited as "The Illinois Beauty Culture Act."

(Printed by Authority of the State of Illinois)

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THE ILLINOIS
BEAUTY CULTURE ACT

STATE OF ILLINOIS

WILLIAM G. STRATTON
GOVERNOR



DEPARTMENT OF
REGISTRATION AND EDUCATION

VERA M. BINKS
Director

SPRINGFIELD
1960

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THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code. (Amended by Act approved July 24, 1945.)

§ 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration

as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

§ 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

§ 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

§ 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registra-

tion and Education to take such action and to make such report for the profession involved herein as follows:

Three (3) practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 24, 1945.)

§ 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study determined by an examination conducted by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department

of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than one thousand (1,000) hours extending over a period of not less than six (6) months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 5a. Repealed by Act approved July 24, 1945.

§ 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

§ 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than four (4) examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 20, 1935.)

§ 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

§ 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

§ 11. Every registered beauty culturist and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of September of each year, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year, shall expire on the first day of October in that year. All certificates of registration remaining in good standing on the effective date of this amendatory act shall expire on the first day of October, 1946, unless renewed during the month of September of that year. A registered beauty culturist whose certificate of registration has expired may have his certificate of registration restored immediately upon payment of all lapsed renewal fees and also upon payment of the required restoration fee, provided, however, not more than five (5) years have elapsed since the date of expiration.

A registered beauty culturist whose certificate of registration has expired for more than five (5) years may have his certificate of registration restored only by passing an oral and practical examination to determine his fitness and by paying the required fee.

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No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least two hundred fifty (250) hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from said school. Such an applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from said school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been re-

jected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. However, any registered beauty culturist or registered apprentice whose certificate of registration has expired while he has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored without paying any lapsed renewal fees or restoration fee if within two years after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (Amended by Act approved July 18, 1947.)

§ 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction:

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertising by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both

the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

§ 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have

power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

§ 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

§ 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

§ 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

§ 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

§ 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifica-

tions thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

§ 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.
2. That such Director is duly appointed and qualified.
3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

§ 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

§ 12-i. Repealed. (Act approved July 30, 1949.)

§ 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

§ 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is ten dollars ($10.00).

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is one dollar ($1.00).

The fee to be paid upon the renewal of a certificate of registration as a registered apprentice is one dollar ($1.00). (Amended by Act approved July 5, 1957.)

The fee to be paid by an applicant to determine his preliminary education is five dollars ($5.00).

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is fifteen dollars ($15.00).

The fee to be paid upon the renewal of a certificate of registration as a registered beauty culturist is three dollars ($3.00). (Amended by Act approved July 5, 1957.)

The fee to be paid for the restoration of an expired certificate of registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered apprentice is two dollars ($2.00).

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for examination to determine his fitness to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant for a certificate to teach theory and practical, or practical beauty culture only, is five dollars ($5.00).

The fee to be paid for a second and subsequent examination for a certificate to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is two dollars ($2.00).

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is five dollars ($5.00). (Amended by Act approved July 24, 1945.)

§ 15. Repealed by Act approved July 10, 1935.

§ 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any in-

junction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

§ 16. Whoever violates any of the following shall, for the first offense, be fined not less than $100 nor more than $500; for the second offense, be fined not less than $500 nor more than $1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an at tempt to practice in the profession by fraudu lent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

§ 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

§ 17a, § 17b. Repealed by Act approved July 24, 1945.

§ 18. This Act may be known and cited as "The Illinois Beauty Culture Act."


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THE ILLINOIS
BEAUTY CULTURE ACT

STATE OF ILLINOIS
OTTO KERNER, Governor



DEPARTMENT OF
REGISTRATION AND EDUCATION

WILLIAM SYLVESTER WHITE, Director

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THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code. (Amended by Act approved July 24, 1945.)

§ 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration

as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

§ 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

§ 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

§ 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registra-

tion and Education to take such action and to make such report for the profession involved herein as follows:

Three (3) practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 24, 1945.)

§ 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study determined by an examination conducted by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department

of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than one thousand (1,000) hours extending over a period of not less than six (6) months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 5a. Repealed by Act approved July 24, 1945.

§ 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

§ 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than four (4) examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 20, 1935.)

§ 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

§ 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

§ 11. Every registered beauty culturist and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of September of each year, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year, shall expire on the first day of October in that year. All certificates of registration remaining in good standing on the effective date of this amendatory act shall expire on the first day of October, 1946, unless renewed during the month of September of that year. A registered beauty culturist whose certificate of registration has expired may have his certificate of registration restored immediately upon payment of all lapsed renewal fees and also upon payment of the required restoration fee, provided, however, not more than five (5) years have elapsed since the date of expiration.

A registered beauty culturist whose certificate of registration has expired for more than five (5) years may have his certificate of registration restored only by passing an oral and practical examination to determine his fitness and by paying the required fee.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least two hundred fifty (250) hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from said school. Such an applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from said school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been re-

jected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. However, any registered beauty culturist or registered apprentice whose certificate of registration has expired while he has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored without paying any lapsed renewal fees or restoration fee if within two years after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (Amended by Act approved July 18, 1947.)

§ 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction:

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertising by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both

the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

§ 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have

power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

§ 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

§ 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

§ 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

§ 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

§ 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifica-

tions thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

§ 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.

2. That such Director is duly appointed and qualified.

3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

§ 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

§ 12-i. Repealed. (Act approved July 30, 1949.)

§ 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

§ 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is ten dollars ($10.00).

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is one dollar ($1.00).

The fee to be paid upon the renewal of a certificate of registration as a registered apprentice is one dollar ($1.00). (Amended by Act approved July 5, 1957.)

The fee to be paid by an applicant to determine his preliminary education is five dollars ($5.00).

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is fifteen dollars ($15.00).

The fee to be paid upon the renewal of a certificate of registration as a registered beauty culturist is three dollars ($3.00). (Amended by Act approved July 5, 1957.)

The fee to be paid for the restoration of an expired certificate of registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered apprentice is two dollars ($2.00).

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for examination to determine his fitness to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant for a certificate to teach theory and practical, or practical beauty culture only, is five dollars ($5.00).

The fee to be paid for a second and subsequent examination for a certificate to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is two dollars ($2.00).

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is five dollars ($5.00). (Amended by Act approved July 24, 1945.)

§ 15. Repealed by Act approved July 10, 1935.

§ 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certicate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any in-

junction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

§ 16. Whoever violates any of the following shall, for the first offense, be fined not less than $100 nor more than $500; for the second offense, be fined not less than $500 nor more than $1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an at tempt to practice in the profession by fraudu lent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

§ 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

§ 17a, § 17b. Repealed by Act approved July 24, 1945.

§ 18. This Act may be known and cited as "The Illinois Beauty Culture Act."


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RULES AND REGULATIONS

For The Administration of The Illinois Beauty Culture Act

DEPARTMENT OF

REGISTRATION AND EDUCATION

WILLIAM SYLVESTER WHITE, Director

SPRINGFIELD

(Printed by Authority of the State of Illinois)

1962

DEPARTMENT OF

REGISTRATION AND EDUCATION

Code Number R-10

RULES AND REGULATIONS

For The Administration of The Illinois Beauty Culture Act

I. APPLICATIONS, APPRENTICE AND MATRICULATION

A. When a person enrolls in a beauty culture school, a copy of her matriculation application shall be submitted to the Department for approval. This must be accompanied by proof of graduation from the eighth grade, marriage certificate if married, and Certificate of Naturalization or copy of Declaration of Intention if foreign born.

B. A shop apprenticeship is dated as of date of employment in the shop, provided that date is not more than 7 days prior to date apprentice application is approved by the Department. If date of employment IS more than 7 days prior to date application is approved, apprenticeship is pre-dated one week, only, and license is dated accordingly.

The matriculation of a student in beauty school is dated in the same manner, but no apprentice license is issued.

C. A shop apprentice must maintain her apprentice license in good standing until the required period of apprenticeship is fulfilled.

D. A shop apprentice will receive no credit for study in a beauty culture school; and

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a matriculant in a beauty school may not work in a shop.

E. Where an interrupted course is resumed, no credit shall be given for training received more than five years prior to date of re-application.

F. Foreign documents submitted with an aplication must be accompanied by translations into the English language, from the Consul or from Berlitz Translation and Interpreting Service, 207 North Michigan Avenue, Chicago, Illinois. The original documents will be returned to the applicant, and translations will be retained for Department records.

G. For the purpose of determining whether an apprentice has studied for one year under a registered beauty culturist, the Department will not recognize such study unless during the period specified in the application and the supporting affidavits, the apprentice has averaged not less than 35 hours per week in the shop. If an apprentice has averaged less than 35 hours per week, she shall establish that she has completed not less than a total of 1750 hours during the entire period of her apprenticeship.

II. APPLICATION FOR REGISTRATION AS A REGISTERED BEAUTY CULTURIST

A. No applicant for registration as a registered beauty culturist by examination will be considered before applicant graduates from a licensed school or completes one year's training as a registered apprentice in a beauty shop.

B. Applications for registration as registered beauty culturists by examination must be on file in complete form, including fee, at the Springfield office at least 15 days prior to date of examination.

C. Unmounted photo, passport size, must accompany application. A duplicate of this

photo must be presented at examination.

D. An applicant from a state or country outside of Illinois is eligible for our examination provided he is a citizen of the United States, or can furnish proof of having made a Declaration of Intention to become a citizen, and furnishes the following:
 1. Proof of graduation from eighth grade,
 2. Proof of graduation from a school of beauty culture from a 1000-hour course, or proof of one year's training as a registered apprentice under the supervision of a registered beauty culturist,
 3. Proof of registration by examination in home state, AND

 submits an application for registration as a registered beauty culturist, together with photograph and fee of $10.00.

E. Applicants who have graduated from a school of beauty culture outside the State of Illinois, from a course of 1000 hours, and who are not registered by examination, are required to complete a 250-hour course in an Illinois licensed school of beauty culture before they will be eligible for examination.

F. Applicants who have graduated from a school outside the State of Illinois from a course of less than 1000 hours, must enroll in an Illinois licensed school of beauty culture for a course consisting of a sufficient number of hours to complete 1000, plus an additional course of 250 hours. Upon completion of same, they will be eligible for examination.

G. Credit will not be given for a partial course completed in another state.

III. EXAMINATIONS

A. All applicants except for a good cause shown, shall report for the State Board Examination in their own district.

B. Examinations will begin promptly at 8:30 a.m.

C. Applicants reporting for Written examination must bring cards of admission, photographs, and pen.

D. All examinations must be written in the English language.

E. Applicants reporting for the Practical examination must bring with them one large towel, hair-trimming scissors, combs, equipment for permanent wave wind (3 to 6 curlers), hairnet and hairpins. Finger waving solution, optional. Applicant must wear clean, white uniform (including white shoes). A fee of $2.00 is collected by the school from each applicant, for the use of equipment and supplies.

F. An applicant for a certificate of registration as a registered beauty culturist by examination, is required to successfully complete an examination which includes the theory of, and the practical demonstration of, beauty culture. This examination shall be in the following subjects.

Written:

Hair and Hair Coloring (Tinting, Dyeing, Bleaching, Anatomy of the Scalp, and Scalp Disorders)

Anatomy (Facial Massage, Use of Cosmetics, Skin and Skin Disorders, Nerves, and Muscles)

Sterilization and Equipment (Illinois Beauty Culture Act, Sanitary Rules for Beauty Culture Shops, Electrical Equipment, and Salesmanship)

Practical:

Permanent Waving
Hair Coloring
Scalp Treatments
Hairdressing (Finger Waving, and Hairstyling)

Haircutting
Facial Massage (Anatomy and Use of Cosmetics)

Oral:

All of the above subjects.

G. In the examination applicant shall be required to make an average of 75% in both the Written and Practical parts, with not less than 60% in any one subject. If applicant does not make the necessary passing average in the written and practical work in the FIRST examination, she shall not be re-examined in any subject in which she has made a grade of 75% or more, provided application for retake is made within one year from the date of the last examination. If more than one year has elapsed, she must retake entire examination, both written and practical.

If applicant fails to make an average of 75% with no grade below 60% in the SECOND EXAMINATION, she will be required to retake the entire written examination.

H. Applicants are expected to act as models for each other. Teachers, student teachers, and school owners may not act as models at the State Board Examination.

IV. REGISTRATION OF OUT-OF-STATE BEAUTY CULTURISTS

Applicants for registration who are licensed or registered in another state or territory of the United States, or of a foreign country or province shall be considered on an individual basis. Upon payment of the required fee of $15.00 applicants are eligible for registration provided they meet the following requirements:

A. Full compliance with provisions of Section 5 of The Illinois Beauty Culture Act,

B. Registration by examination in their own state with a general average of 75% and no grade below 60%, in both theory and practical,

C. Registered beauty culturist certificate must be in good standing in state in which it was issued, AND provided they submit a COMPLETE application for registration as registered beauty culturist with photograph and appear before the Beauty Culture Examining Committee for oral interview.

V. ACCREDITED SCHOOLS OF BEAUTY CULTURE

A. In opening a new school of beauty culture the owner must, before school begins to function as a licensed school of beauty culture or to enroll students, comply with the following Department requirements:

1. Present to the Department for approval, (a) Floor plan drawing according to a given scale, showing every detail of the proposed school, (b) A commitment for a lease for the location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application — which lease shall be for a period of not less than one year, (c) A written inspection report of approval made by the Fire Prevention Bureau of the Fire Department for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary inspection of premises to be occupied by the proposed school. This inspection by a member of the Beauty Culture Examining Committee, will be authorized by the Department upon receipt of the above requirements.

3. On blanks furnished by the Department, submit a formal application (which includes a listing of equipment, library, and teaching staff), and establish to the

satisfaction of the Department that he possesses sufficient liquid assets to meet the prospective expenses of such school for a period of one year for rent, salaries, supplies, other normal operating expenses, and for the payment of any installments occurring during the year on the purchase of any of the required equipment.

4. Obtain the Department's approval of the school as a licensed school of beauty culture. This approval is based upon a satisfactory report of final inspection by a member of the Committee.

B. In operating a licensed school of beauty culture, the following requirements are to be met:

1. **Equipment.** Following is the approved list of equipment required of a school of beauty culture. This list is for a school of not more than 30 students.
 Minimum floor space of 1800 sq. ft. (600 extra sq. ft. for each additional 20 students in maximum attendance at one time).
 Minimum lease on premises, one year.
 Adequate ventilation.
 Adequate light.
 Recitation room properly equipped (desks and chairs) for 15 students.
 Suitable practice rooms.
 Suitable lockers and dressing room.
 Separate lavatory and toilet facilities for male and female students.
 School seal.
 An entrance sign designating name of school.
 A sign 22" x 14" reading "School of Beauty Culture. Work Done Exclusively by Students" (To be posted in a prominent place in a position visible to the public).

Fireproof, standard, locked filing cabinets for school and student records.

Reference library as required by the Department of Registration and Education.

Wall charts in good condition (Minimum size 24" x 32"), illustrating the muscles, nerves, circulatory systems, divisions of the skin and divisions of the hair of the human body.

1 Blackboard (minimum size 36" x 48").

2 Dry Sterilizers (minimum size 12" x 14" x 8" — 1 extra for each additional 20 students in maximum attendance at one time).

2 Wet Sterilizers, standard size (1 extra for each additional 20 students in maximum attendance at one time).

4 Shampoo Basins with Boards or Bowls (hot and cold water). 1 extra for each additional 20 students in maximum attendance at one time.

4 Shampoo Chairs — to be used for shampoos only (1 extra for each additional 20 students in maximum attendance at one time).

4 Facial Chairs — for facials only (1 extra for each additional 10 students in maximum attendance at one time).

1 Facial Supply Cabinet (1 extra if more than 30 students are enrolled).

2 High Frequencies (1 extra for each additional 20 students in maximum attendance at one time).

2 Vibrators.

2 Therapeutic Lamps — red, blue, and white bulbs for use with same (1 extra for each additional 20 students in maximum attendance at one time).

Permanent Wave Equipment (Heat and Cold Methods).

1 Microscope (Magnification of at least 100 diameters, with a graduated scale in the eye piece).
5 Hairdryers, electric (1 extra for each additional 20 students in maximum attendance at one time).
15 Mirrors (1 extra for each additional 5 students in maximum attendance at one time).
15 Dresserettes or Work Tables (1 extra for each additional 5 students in maximum attendance at one time).
15 Chairs (1 extra for each additional 5 students in maximum attendance at one time).
8 Stoves (optional).
8 Mannequins (1 extra for each additional 5 students in maximum attendance at one time).
1 Supply Cabinet or Dispensary.

2. **Library.** Following is the approved library required by the Department for a school of beauty culture:

Large Standard Dictionary or **Century Dictionary.**
Gould's Dictionary of Medical Words or **Dorland's Illustrated Dictionary.**
Anatomy and Physiology, by Kimber, Gray, Stackpole, and Lavell.
Electricity Manual for Beauty Culture, by Glendora Stingley.
Chemistry in Your Beauty Shop, by Arnold Lowman, Ph.D.
A Survey of Chemistry for Cosmetologists, by Arnold Lowman, Ph.D.
Microbiology, by Kelly and Hite.
American Red Cross First Aid Textbook, American Red Cross.
Standard Textbook of Cosmetology, by Milady Publishing Corporation.
Anatomy, by Dr. Henry Gray.

Additional books required for teacher training course:

Basic Principles of Student Teaching, by Adams and Dickey.

Educational Psychology (Revised Edition), by Crow and Crow.

It is not expected that the students will read all or any one of the library books, but it is requested that they read those sections that are basic to the study of beauty culture. These books agree as to facts, and all textbooks authorized by the schools should be subservient to the reference books in all statements of facts.

3. **Curriculum.** Following is the approved curriculum for a course consisting of 1000 hours:

Shampooing (Theory; practical class theory; practical).....	50 hrs.
Facial Massage (Theory; practical; make-up; lectures; anatomy; hand and arm molding)	120 hrs.
Electrical Devices (Theory; practical class theory).....	30 hrs.
Scalp Treatment (Theory; practical class theory; practical; lectures)	65 hrs.
Hair Coloring; Tinting, Dyeing, Bleaching (Theory; practical class theory; practical).....	150 hrs.
Permanent Waving; Hair Pressing (Theory; practical class theory; practical; lectures)..	170 hrs.
Hair dressing (Thinning; trimming; shaping, all methods of curling except permanent waving; marcelling optional)	275 hrs.
Sanitation and Sterilization; Personal Hygiene; First Aid; Duties of Dispensary Clerk (Theory; practical)	75 hrs.

Written Tests	35 hrs.
Study of Illinois Beauty Culture Act; Sanitary Rules for Beauty Culture Shops; Labor Laws; Workmen's Compensation Act, etc.	10 hrs.
Salesmanship and Shop Management	20 hrs.
Total	1000 hrs.

Twenty per cent (20%) of the hours on each subject may be discretion hours.

The subjects as outlined in the curriculum shall be given to the students through theoretical and practical demonstrations and recitations. At least THREE recitations per week of not-less-than one hour each shall be given to all students. These recitation periods shall include lectures, chemistry of cosmetic preparations, use of the microscope, questions and answers on reference books, and written examinations. All papers written shall be carefully graded and returned to the students. The subject of Syphilis should not be included as a separate subject in the Curriculum, but the schools are requested to secure persons to lecture on this subject. Any lectures must be given by licensed physicians under the auspices of the Board of Health, and then only lectures explaining the visible indications of syphilis and any part of the subject pertaining to Hygiene. Students may be given credit for such lectures under the heading "Personal Hygiene." The maximum class day of actual time spent by the student shall be EIGHT CLOCK HOURS.

Each school of beauty culture shall

require ninety per cent (90%) attendance in all subjects.

STUDENTS ARE NOT TO BE CALLED OUT OF CLASSROOMS TO DO BEAUTY CULTURE WORK ON THE PUBLIC.

A school is not to permit a student or a teacher to work in school when it is not in session.

A school is not to require a student to perform unreasonable, servile duties as sanitation assignments.

When a school submits a matriculation application for a deaf or deaf and dumb person, it must be supported by a certification that such school has a teacher capable of communicating with such an individual (other than in writing), who is in direct charge of the instruction received by such individual.

No school of beauty culture shall be deemed reputable and in good standing which knowingly authorizes, permits or directs students enrolled in such school to work in any beauty culture establishment or any place where beauty culture work is practiced other than the place regularly used by such beauty culture school for its practical instruction in beauty culture.

Before graduation, it shall be the duty of each accredited school to give a final examination to every student who is a candidate for a diploma.

4. **Teaching Staff:**

a. Every THEORY teacher signing a first contract to teach in a school of beauty culture approved by the Department of Registration and Education is qualified:

(1) Who is at least 21 years of age;

(2) Who is of good moral character and temperate habits;

(3) Who has graduated from a high school or secondary school approved by the Department, or who has completed an equivalent course of study as determined by an examination conducted by the Department;

(4) Who holds a certificate of registration in good standing as an Illinois registered beauty culturist;

(5) Who has had at least one year's practical *experience as a registered beauty culturist or as a practical teacher in a licensed school of beauty culture, and completed a three months' teacher training course of 500 hours in a licensed school of beauty culture in the State of Illinois, or who has completed a teacher training course of 1000 hours extending over a period of six months in a licensed school of beauty culture in the State of Illinois.

An applicant for a teacher certificate who has had teacher training in an accredited school other than a beauty culture school must have at least one year's practical experience as an Illinois registered beauty culturist and complete a post-graduate course of 500 hours in advanced theory in a licensed school of beauty culture in the State of Illinois.

* The one year's practical experience must be completed within two years prior to the date application is made for the teacher training course.

An applicant for a beauty culture teacher certificate who has graduated from a school of beauty culture outside the State of Illinois, from a teacher training course which is substantially equivalent to that of Illinois; who has successfully passed an examination in the theory and practice of beauty culture and has had at least two years of teaching experience in his or her own state, may qualify for the Beauty Culture Teacher Examination upon obtaining an Illinois registered beauty culturist certificate and the completion of a post-graduate course of 250 hours in the training and preparation for teaching in an accredited school of beauty culture in the State of Illinois;

(6) Who has successfully passed an examination in the theory and practice of beauty culture conducted by the Department of Registration and Education, to determine his fitness to receive a certificate of registration as a registered beauty culture teacher, theory and practical.

b. A theory teacher may serve as a practical teacher but a practical teacher may not teach theory.

c. Each school of beauty culture approved by the Department of Registration and Education shall provide one theory teacher for every 20 pupils, and one theory teacher and one practical teacher for every 30 pupils enrolled in said school.

d. No teacher is allowed to work on the public unless she is giving a demonstration in a classroom for the benefit of the students.
e. Every teacher shall display her registered beauty culturist license in a conspicuous place in the school together with her teacher certificate.
f. When a practical teacher qualifies as a theory and practical teacher, her practical teacher license must be surrendered for cancellation.

5. **Teacher Training Course**

a. Applications for teacher training course.
 (1) An applicant is permitted to take a beauty culture teacher training course in a licensed school of beauty culture prior to the time she is 21 years of age. A theory teacher certificate will not be issued until she becomes 21 years of age.
 (2) An applicant for a teacher training course may enroll immediately after taking her State Board examination and will receive credit from the date of her enrollment provided she is successful in the examination and obtains her registered beauty culturist certificate immediately. If she fails the examination, no credit will be given for the time spent in the teacher training course.
 (3) Matriculation application shall be submitted to the Department for approval at the beginning of a teacher training course. This matriculation will be credited as of date of enrollment provided

date of enrollment is less than 7 days prior to the date matriculation application is approved by the Department.

(4) Applicants licensed in Illinois by reciprocity shall be permitted to take a teacher training course in the State of Illinois, if they have graduated from a licensed school of beauty culture, from a course of 1000 hours.

b. Approved curriculum for a 1000-hour teacher training course:

Post graduate training..... 500 hrs.
(Must cover all subjects in the curriculum, including theory and practice. A transcript of the hours must be sent to the Department.)

Psychology 75 hrs.
(Reference Book — **Educational Psychology,** Revised Edition, by Crow and Crow.)

Business Experience 50 hrs.
(Handle appointments for clinical work; Keep inventory of supplies; Keep records; Interview prospects at the discretion of the owner; Buy and handle supplies at the discretion of the owner.)

Complete knowledge and preparation of subject matter 75 hrs.
(Prepare to create interest of student; Completely organize each lesson as a unit before presentation. Units of a course may be outlined for teaching use only, or given in complete but simplified form to student for student use. Work units may be used for students showing complete subject matter to be covered in a given

period of time rather than covering a complete 1000-hour course.)

Principles of Teaching as applied to Beauty Culture... 75 hrs. (Reference book—**Basic Principles of Student Teaching,** by Adams and Dickey.)

Presentation of subject matter 75 hrs. (Different methods of presentation; Method of presentation of a subject may be varied to include (1) lecture method, (2) demonstration method, (3) recitation method, (4) test method—oral or written, and (5) assignment method. Methods should be outlined as to motivation and practical application of subject matter. Practical work and correlated theory should both be presented at the same time.)

Checking accomplishment or achievement tests of each student on subject matter taught and practical application of same conducted during the training course 50 hrs.

Supervised teaching..... 100 hrs. (Allow student teacher to take a class in both theory and practical under the supervision of the licensed teacher.)

Total 1000 hrs. Twenty per cent (20%) of the hours on each subject may be discretion hours. Anyone taking a teacher training course in a licensed school of beauty culture is not permitted to work on the public in the school at any time.

6. Class Records

a. Each instructor shall keep a daily class attendance record of the pupils, showing time devoted to their subjects and actual number of hours of attendance. This record is to be signed by the instructor at the close of each class.

b. A complete detailed transcript of the entire attendance of a student must be sent to the Department at the time application is made for the registered beauty culturist examination.

c. Daily class records shall be kept in the school until the student is advised that she has been successful in her examination or until six months after her graduation. Monthly school records shall be kept in ink or type and be kept permanently. These shall be compiled from the daily class records kept by each instructor prior to graduation.

d. No credit shall be given for study periods unless they are conducted in the presence of and under the direct supervision of a qualified teacher.

e. No credit will be given for lectures given by anyone except registered teachers and licensed Medical Doctors.

f. In each instance where a student's course is not completed, a transcript of hours (Form BC-11) covering the period of attendance and the number of hours completed in each subject is to be forwarded to the Department within seven days, for example—
 (1) Where a student quits;
 (2) Where a student has been absent from school for a period of ninety days;

(3) Where a student transfers to another school of beauty culture;
(4) Where a beauty culture school closes.

g. Permanent records shall be kept under lock and key in schools. In this record file shall be kept a permanent record of each student enrolled:
(1) Matriculation blank,
(2) U. S. citizenship record if applicant is foreign born, or proof of having made a Declaration of Intention to become a U. S. citizen,
(3) Proof of 8th grade graduation. (School must obtain this by direct correspondence with elementary school attended, or by correspondence with the Department if qualified by an equivalency examination.)
(4) Pertinent dates, as follows:
(a) Date applicant matriculated.
(b) Date of graduation from beauty culture school.

h. Each school must have a regular TEACHING PROGRAM, printed or typed, and a copy of same POSTED IN EACH CLASSROOM (both for students of beauty culture and for students in teacher training).

7. **Advertising**

a. No school shall advertise as a licensed school until so licensed by the Department.

b. It shall be misleading for any school to advertise in any manner or solicit patronage from members of the public unless the word "School" is used in a conspicuous manner in connection with such advertising.

c. Any advertisement for patrons for practical work in a school of beauty culture must include the words: "WORK DONE EXCLUSIVELY BY STUDENTS".

VI. GENERAL RULINGS

A. No school of beauty culture shall be licensed unless the executives, teachers, and owners are of good moral character.

B. Beauty culture school certificates shall be issued in the name of the school.

C. Each school is required to furnish a quarterly report (Jan., Apr., July, Oct.), listing its teachers, the number of students attending regularly, part-time, night school, and the number of students eliminated each quarter.

D. A school accepting a student for a refresher course assumes full responsibility for the success or failure of the applicant and should satisfy itself that the applicant is capable of passing the Illinois examination with these additional hours. The failure or success of such an applicant is credited to the school issuing her diploma after this course is completed.

E. All apprentice beauty culturist certificates must be surrendered before the original registered beauty culturist certificates are mailed.

F. A certificate issued to one school owner may not be transferred until an application for transfer is filed with the Department of Registration and Education, which will require a further inspection along the same lines as though it were an original application. In the case of a corporation, change of controlling interest in the stock of such corporation shall be considered change of ownership. If inspection reveals

that school is still in compliance with the regulations for such schools, school will remain licensed.

G. An owner of a licensed school of beauty culture who is contemplating a change in location, shall present to the Department of Registration and Education for approval, a floor plan drawing showing every detail of the new location, together with a commitment for a lease for the location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application—which lease shall be for a period of not less than one year.

H. Where there is a change in location of a school, or a transfer of ownership, the school certificate is to be returned to the Department for proper endorsement.

I. All schools of beauty culture voluntarily closed for a period of more than 90 days, must furnish the Department a financial report showing proof of ability to operate a school for at least one year, before permission to reopen will be granted by the Department.

J. Sanitary rules and regulations governing beauty shops shall also govern beauty culture schools.

K. A meeting of School Owners, Committee, and Department is to be held annually.

L. In the event of the death of a student or a registered beauty culture teacher, the Department is to be notified promptly.

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THE ILLINOIS
BEAUTY CULTURE ACT

STATE OF ILLINOIS

OTTO KERNER, Governor



DEPARTMENT OF

REGISTRATION AND EDUCATION

WILLIAM SYLVESTER WHITE

Director

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17 Jan. 1963, dir. g. 1963, Lev.

THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code. (Amended by Act approved July 24, 1945.)

§ 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration

as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

§ 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

§ 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

§ 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses. certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee. which shall be composed of persons designated from time to time by the Director of Registra-

tion and Education to take such action and to make such report for the profession involved herein as follows:

Three (3) practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 24, 1945.)

§ 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study determined by an examination conducted by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department

of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than one thousand (1,000) hours extending over a period of not less than six (6) months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 5a. Repealed by Act approved July 24, 1945.

§ 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least sixteen years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration has filed a petition for naturalization within thirty days after becoming eligible to do so. (Amended by Act approved July 24, 1945.)

§ 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

§ 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than four (4) examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 20, 1935.)

§ 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

§ 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

§ 11. Every registered beauty culturist and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of September of each year, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year, shall expire on the first day of October in that year. All certificates of registration remaining in good standing on the effective date of this amendatory act shall expire on the first day of October, 1946, unless renewed during the month of September of that year. A registered beauty culturist whose certificate of registration has expired may have his certificate of registration restored immediately upon payment of all lapsed renewal fees and also upon payment of the required restoration fee, provided, however, not more than five (5) years have elapsed since the date of expiration.

A registered beauty culturist whose certificate of registration has expired for more than five (5) years may have his certificate of registration restored only by passing an oral and practical examination to determine his fitness and by paying the required fee.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least two hundred fifty (250) hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from said school. Such an applicant shall not subsequently be admitted to an examination to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from said school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been re-

jected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. However, any registered beauty culturist or registered apprentice whose certificate of registration has expired while he has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his certificate of registration restored without paying any lapsed renewal fees or restoration fee if within two years after termination of such service, training or education other than by dishonorable discharge he furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated. (Amended by Act approved July 18, 1947.)

§ 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction:

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertising by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both

the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

§ 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have

power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

§ 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

§ 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

§ 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

§ 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

§ 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifica-

tions thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

§ 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.
2. That such Director is duly appointed and qualified.
3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

§ 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

§ 12-i. Repealed. (Act approved July 30, 1949.)

§ 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

§ 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is ten dollars ($10.00).

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is one dollar ($1.00).

The fee to be paid upon the renewal of a certificate of registration as a registered apprentice is one dollar ($1.00). (Amended by Act approved July 5, 1957.)

The fee to be paid by an applicant to determine his preliminary education is five dollars ($5.00).

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is fifteen dollars ($15.00).

The fee to be paid upon the renewal of a certificate of registration as a registered beauty culturist is three dollars ($3.00). (Amended by Act approved July 5, 1957.)

The fee to be paid for the restoration of an expired certificate of registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid for the restoration of an expired certificate of registration as a registered apprentice is two dollars ($2.00).

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for examination to determine his fitness to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant for a certificate to teach theory and practical, or practical beauty culture only, is five dollars ($5.00).

The fee to be paid for a second and subsequent examination for a certificate to teach theory and practical beauty culture is five dollars ($5.00).

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is two dollars ($2.00).

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is five dollars ($5.00). (Amended by Act approved July 24, 1945.)

§ 15. Repealed by Act approved July 10, 1935.

§ 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any in-

junction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

§ 16. Whoever violates any of the following shall, for the first offense, be fined not less than $100 nor more than $500; for the second offense, be fined not less than $500 nor more than $1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

§ 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

§ 17a, § 17b. Repealed by Act approved July 24, 1945.

§ 18. This Act may be known and cited as "The Illinois Beauty Culture Act."


ILLINOIS
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Nov.

THE ILLINOIS
BEAUTY CULTURE ACT

STATE OF ILLINOIS
OTTO KERNER, Governor

DEPARTMENT OF
REGISTRATION AND EDUCATION

WILLIAM SYLVESTER WHITE, Director

SPRINGFIELD
1963

DEC 1963

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THE ILLINOIS BEAUTY CULTURE ACT

An Act relating to the practice of beauty culture, approved June 30, 1925, as amended and to add Sections 5-b and 5-c thereto.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. It is unlawful for any person to practice, or attempt to practice, beauty culture, without a certificate of registration as a registered beauty culturist issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person to serve, or attempt to serve, as an apprentice under a registered beauty culturist without a certificate of registration as a registered apprentice issued by the Department of Registration and Education, pursuant to the provisions of this Act and of the Civil Administrative Code.

It is also unlawful for any person, firm or corporation to own, operate or conduct a beauty culture school or beauty culture shop without a certificate of registration issued by the Department.

It is further unlawful for any person to teach theory and practical or practical beauty culture only in any beauty culture college or school approved by the Department without a certificate of registration, as a teacher, issued by the Department. (Amended by Act approved July 15, 1963.)

Sec. 2. Any one or any combination of the following practices constitutes the practice of beauty culture when done for cosmetic or beautifying purposes and not for the treatment of disease or of muscular or nervous disorder.

The application of cosmetic preparations to the human body by massaging, stroking, knead-

9063, enacted, 1963 (Nov.) continuing

ing, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; arranging, dressing, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, tinting, or otherwise treating by any means the hair of any person. However, the provisions of this Act shall not authorize any registered beauty culturist to cut or clip the hair of any person unless he has first obtained a certificate of registration as a barber under the provisions of "An Act to regulate the pursuit of the business, art and avocation of a barber, and to insure the better qualifications of persons following such business in the State of Illinois," approved June 10, 1909, as amended.

Sec. 3. No registered apprentice may independently practice beauty culture. A registered apprentice may, however, under the immediate personal supervision of a designated registered beauty culturist, assist a registered beauty culturist in the practice of beauty culture but no registered beauty culturist may receive from such registered apprentice any money or thing of value for such assistance. The designation of such registered beauty culturist shall be reported to the Department of Registration and Education by the registered beauty culturist. Not more than one registered apprentice shall serve in any beauty culture establishment, but this section shall not apply to students in schools of beauty culture. (As amended by Act approved July 24, 1945.)

Sec. 4. The provisions of this Act do not apply to registered barbers, except as to permanent waving and marcel waving.

Nothing in this Act shall be construed to apply to the educational activities conducted in connection with any monthly, annual or other special educational program of any bona fide association of licensed cosmetologists, from which the general public is excluded. (Amended by Act approved July 11, 1955.)

Sec. 4-a. The Department of Registration and Education shall exercise, subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered beauty culturists and as registered teachers of beauty culture, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or university, or department of a university or other institution by reference to a compliance with such rules and regulations; but no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

(5) Conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to suspend, revoke or refuse to renew such licenses or certificates or authorities.

(6) Prescribe reasonable rules and regulations governing the sanitary regulation and inspection of beauty culture shops, subject to

the approval of the Department of Public Health.

(7) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties enumerated in this section shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Beauty Culture Committee, which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Five practical beauty culturists, no two to be graduates of the same school, each of whom has been for the last five years preceding his appointment engaged in the occupation of beauty culture in this State, and no one of whom is a member of, or a stockholder in any school of beauty culture, or a manufacturer, jobber or stockholder in any factory of beauty culture articles.

The action and report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. (Amended by Act approved July 15, 1963.)

Sec. 5. A person is qualified to receive a certificate of registration as a registered beauty culturist:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has either studied beauty culture for one year as a registered apprentice under a beauty culturist registered under the laws of this State, or has graduated from a school of beauty culture approved by the Department of Registration and Education. No school of beauty culture shall be approved by the Department of Registration and Education unless it has a minimum requirement of a course of study consisting of not less than 1,000 hours extending over a period of not less than 6 months. Time spent in the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province pursuant to the provisions of Section 13 of this Act, shall be credited upon the period of study required by the provisions of this paragraph; and

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his fitness to receive a certificate of registration as a registered beauty culturist; and

(f) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declaration, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amended by Act approved July 15, 1963.)

Sec. 5a. Repealed by Act approved July 24, 1945.

Sec. 5-b. No person, firm or corporation may own, operate or conduct a school of beauty culture for the purpose of teaching beauty culture for compensation without applying on forms provided by the Department of Regis-

tration and Education and complying with the following:

1. Present to the Department for approval, (a) A floor plan drawing according to a given scale, showing every detail of the proposed school, (b) A commitment for a lease for the location of the proposed school, providing for the execution of such lease upon the Department's approval of the school's application which lease shall be for a period of not less than one year, and (c) a written inspection report of approval made by the Fire Prevention Authorities for use of premises as a beauty school.

2. Meet the requirements of the Department as determined by a preliminary inspection of the premises to be occupied by the proposed school, by the Beauty Culture Committee.

3. Establish to the satisfaction of the Department that he possesses sufficient liquid assets to meet the prospective expenses of such school for a period of one year.

4. Complying with all rules of the Department of Registration and Education established for the purpose of determining the necessary curriculum and equipment required for the conduct of such school.

5. Employment of a sufficient number of qualified teachers of beauty culture who are holders of a current certificate of registration issued by the Department of Registration and Education. (Added by Act approved July 15, 1963.)

Sec. 5-c. No person, firm or corporation shall operate a beauty culture shop without first obtaining a certificate of registration. Such certificate of registration shall be renewed annually and shall designate the specific premises registered.

Before any certificate of registration is issued, the Department shall require sworn proof of ownership of the beauty culture shop in such form as it may prescribe, and the owner shall

pay the required fee. Such certificate of registration shall not be transferable. Changes of ownership of any shop shall be reported to the Department by the owner of such shop within 5 days of the change of ownership.

No premises shall be registered for a beauty culture shop unless it meets the standard established by the Department of Registration and Education, in the sanitary rules for beauty culture shops.

Any person or persons proposing to open such a shop in a new location shall first make application to the Department of Registration and Education for inspection and approval of the premises submitting a favorable inspection report by the Fire Prevention authorities of the proposed location of the premises on a form provided by the Department and accompanied by the required fee. This fee shall apply to all such certificates of registration including transfers of ownership. Any certificate of registration granted under authority of this Section may be revoked for the violation of any of the foregoing provisions, or if any of the regulations of the Department are not complied with in the operation of a registered beauty culture shop. (Added by Act approved July 15, 1963.)

Sec. 6. A person is qualified to receive a certificate as a registered apprentice:

(a) Who is at least 16 years of age; and

(b) Who is of good moral character and temperate habits; and

(c) Who has graduated from an eighth grade elementary school, or who has completed an equivalent course of study as determined by an examination approved by the Department of Registration and Education; and

(d) Who has entered upon the study of beauty culture under a beauty culturist registered under the laws of this State; and

(e) Who is a citizen of the United States or who has made a declaration of intention to become a citizen and having made such declara-

tion, has filed a petition for naturalization within 30 days after becoming eligible to do so. (Amended by Act approved July 15, 1963.)

Sec. 7. Every person who desires to obtain a certificate of registration shall apply therefor to the Department of Registration and Education in writing, on blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fee.

Sec. 8. The Department of Registration and Education shall hold examinations of applicants for certificates of registration as registered beauty culturists and teachers of beauty culture at such times and places as it may determine.

The examination of applicants for certificates of registration as registered beauty culturists or teachers of beauty culture may include both practical demonstrations and written or oral tests, and shall embrace the subjects normally taught in schools of beauty culture approved by the Department of Registration and Education.

The Department of Registration and Education shall conduct not less than 4 examinations for certificates of registration as registered beauty culturists a calendar year. (As amended by Act approved June 15, 1963.)

Sec. 9. Whenever the provisions of this Act have been complied with, the Department of Registration and Education shall issue a certificate of registration as a registered beauty culturist or a certificate of registration as a registered apprentice, as the case may be. (Amended by Act approved July 24, 1945.)

Sec. 10. Every holder of a certificate of registration shall display it in a conspicuous place

in his principal office, place of business or employment.

Whenever a registered beauty culturist practices beauty culture outside of or away from his principal office, place of business, or employment, he shall deliver to each person in his care a certificate of identification. This certificate shall contain his signature, the number and date of his certificate of registration, the post office address of his principal office, place of business or employment, and the date upon which the certificate of identification is delivered to the person under his care.

Sec. 11. Every certificate of registration issued under the provisions of this Act shall be renewed on or before the first day of September of each year by payment of the required renewal fee. Every certificate of registration which has not been renewed during the month of September in any year shall expire on the first day of October in that year.

A certificate of registration issued under the provisions of this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 5 years have elapsed since the date of expiration.

A certificate of registration which has expired for more than 5 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant.

A certificate of registration issued under the provisions of this Act which has expired while the holder of the certificate of registration has been engaged (1) in federal service on active duty with the Army of the United States, the United States Navy, the Marine Corps, the Air Force, the Coast Guard, or any Women's Auxiliary thereof, or the State Militia called into the service or training of the United States of

America, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may be reinstated or restored without the payment of any lapsed renewal fees, reinstatement fee or restoration fee if within 2 years after the termination of such service, training or education other than by dishonorable discharge, the holder furnishes the Department with an affidavit to the effect that he has been so engaged and that his service, training or education has been so terminated.

No certificate of any registered apprentice shall be renewed more than twice and then not unless in the second application for renewal, the applicant presents to the Department of Registration and Education the following: a statement of the time spent in the study of beauty culture and practical application of beauty culture, certified by the registered beauty culturist under whom the service as an apprentice was performed; an affidavit of the registered beauty culturist under whom the service as an apprentice was performed verifying the fact that the applicant has spent at least 250 hours in the study of beauty culture not including the practical application; provided, that nothing herein contained shall operate to prevent registered apprentice from holding an apprentice license for one year.

An applicant whose certificate as a registered apprentice has been renewed twice, shall not, be granted a certificate as a registered apprentice in a beauty culture establishment under the personal supervision of a beauty culturist, but shall have the right to enter a school of beauty culture approved by the Department of Registration and Education and attend the school for not longer than the duration of the minimum course of study required for graduation from such school. Such an applicant shall not subsequently be admitted to an examination

to determine his fitness to receive a certificate of registration as a beauty culturist except on the basis of graduation from such school of beauty culture.

If an applicant for registration as a registered beauty culturist shall be unsuccessful at two examinations conducted by the Department of Registration and Education, he shall, before taking a subsequent examination, furnish evidence that he has diligently pursued the study of beauty culture since his last examination. An applicant who has been rejected at the fifth examination shall not again be admitted to an examination unless the Department of Registration and Education, in its discretion, shall permit him to do so. (Amended by Act approved July 15, 1963.)

Sec. 12. The Department of Registration and Education may either refuse to renew, or may suspend, or may revoke any certificate of registration for any one or combination of the following causes:

(a) Conviction of a felony as shown by a certified copy of the record of the court of conviction or conviction of any of the misdemeanors listed in Section 16, as shown by a certified copy of the record of the court of conviction;

(b) The obtaining of or an attempt to obtain a certificate of registration, or money, or any other thing of value, by fraudulent misrepresentation;

(c) Practice in the profession, or an attempt to practice in the profession, by fraudulent misrepresentation;

(d) Gross malpractice or gross incompetency;

(e) Continued practice by a person knowingly having an infectious or contagious disease;

(f) Advertisting by means of knowingly false or deceptive statements;

(g) Violating any of the sanitary regulations as provided in this Act;

(h) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs;

(i) Immoral or unprofessional conduct;

(j) Permitting any person to use for any unlawful or fraudulent purpose one's certificate of registration as a registered beauty culturist or registered apprentice.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate.

The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by the delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Beauty Culture Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and arguments as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee is not

sitting at the time and place fixed in the notice or at the time and place to which hearing has been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days.

Upon the suspension or revocation of any certificate of registration the Department of Registration and Education shall stamp such certificate of registration with the words "suspended" or "revoked" as the case may be together with the date of such suspension or revocation.

The entry of a decree by any court of competent jurisdiction establishing the insanity of any person holding a certificate of registration under this Act operates as a suspension of such certificate of registration. Such person may resume his practice only upon a finding by the Beauty Culture Committee that the holder of such certificate of registration has been declared restored to sanity by a court of competent jurisdiction and upon the Committee's recommendation to the Director that such holder be permitted to resume his practice. (As amended by Act filed July 27, 1943.)

Sec. 12-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Beauty Culture Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. (Added by Act approved July 10, 1935.)

Sec. 12-b. Any Circuit or Superior Court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificates of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. (Added by Act approved July 10, 1935.)

Sec. 12-c. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. (Added by Act approved July 10, 1935.)

Sec. 12-d. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service,

said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. (Added by Act approved July 10, 1935.)

Sec. 12-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Beauty Culture Committee. (Added by Act approved July 10, 1935.)

Sec. 12-f. All final administrative decisions of the Department hereunder shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act."

Such proceedings for judicial review shall be commenced in the Circuit or Superior Court of the county in which the party applying for review resides; provided, that if such party is not

a resident of this State, the venue shall be in Sangamon County.

The Department shall not be required to certify any record or file any answer or otherwise appear hereunder unless the party filing the complaint deposits with the clerk of the court the sum of five cents per hundred words representing costs of such certification. Failure on the part of the plaintiff to make such deposit shall be grounds for dismissal of the action. (Amended by Act approved July 30, 1949.)

Sec. 12-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.
2. That such Director is duly appointed and qualified.
3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. (Amended by Act approved July 30, 1949.)

Sec. 12-h. Appeals from all final orders and judgments entered by a Circuit or Superior Court in review of a final administrative decision of the Department may be taken directly to the Supreme Court by either party to the action and shall be governed by the rules applying to other civil cases appealed to said Supreme Court. (Amended by Act approved July 30, 1949.)

Sec. 12-i. Repealed. (Act approved July 30, 1949.)

Sec. 13. Upon payment of the required fee, an applicant who is a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province may, without examination, be granted a certificate of registration as a registered beauty culturist by the

Department of Registration and Education in its discretion upon the following conditions:

(a) That the applicant is at least sixteen years of age and of good moral character and habits; and

(b) That the requirements for the registration or licensing of beauty culturists in the particular state, territory, country or province were, at the date of the license, substantially equivalent to the requirements then in force in this State.

The Department of Registration and Education shall prescribe reasonable rules and regulations governing the recognition of and the credit to be given to the study of beauty culture under a beauty culturist registered or licensed under the laws of another state or territory of the United States or of a foreign country or province by an applicant for a certificate of registration as a registered beauty culturist.

Sec. 14. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered beauty culturist is $20.

The fee to be paid by an applicant for a certificate of registration as a registered apprentice is $5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered beauty culturist is $5.

The fee to be paid by an applicant for the renewal of a certificate of registration as a registered apprentice beauty culturist is $3.

The fee to be paid by an applicant to determine his preliminary education is $5.

The fee to be paid by an applicant for a certificate of registration as a registered beauty culturist, who is a beauty culturist, registered or licensed under the laws of another state or territory of the United States or a foreign country or province, is $30.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as a registered beauty culturist, which has expired for not more than 5 years, is $5 plus payment of all lapsed renewal fees.

The fee to be paid by an applicant for the reinstatement of a certificate of registration as an apprentice beauty culturist, which has expired for not more than 5 years, is $5.

The fee to be paid by an applicant for the restoration of a certificate of registration as a registered beauty culturist, which has expired for more than 5 years, is $50.

The fee to be paid for a second and subsequent examination for registration as a registered beauty culturist is $10.

The fee to be paid by an applicant upon filing an application for change of name and issuance of a certificate of registration thereon is $5.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a school or college of beauty culture is $100.

The fee to be paid by an applicant for both an examination to determine his fitness and a certificate of registration as a teacher of theory and practical beauty culture is $20.

The fee to be paid by an applicant for an original certificate of registration to own, operate or conduct a beauty culture shop is $10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture school or college is $50.

The fee to be paid by an applicant for the renewal of a certificate of registration as a teacher of theory and practical or practical beauty culture only, is $10.

The fee to be paid by an applicant for the renewal of a certificate of registration to own, operate or conduct a beauty culture shop is $10.

The fee to be paid for a certified statement that a registrant is a registered beauty culturist in this State is $5.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture school or college which has not expired for more than 5 years is $5 plus all lapsed renewal fees.

The fee to be paid for the reinstatement of an expired certificate of registration to teach theory and practical or practical beauty culture only which has not expired for more than 5 years is $5 plus all lapsed fees.

The fee to be paid for the restoration of an expired certificate of registration to teach theory and practical or practical beauty culture only which has expired for more than 5 years is $50.

The fee to be paid for the reinstatement of an expired certificate of registration to own, operate or conduct a beauty culture shop which has not expired for more than 5 years is $5 plus all lapsed renewal fees. (Amended by Act approved July 15, 1963.)

Sec. 15. Repealed by Act approved July 10, 1935.

Sec. 15-a. The practice of beauty culture by any person who has not been issued a certificate of registration by the Department, or whose certificate of registration has been suspended or revoked, or whose certificate of registration has not been renewed, is hereby declared to be inimical to the public welfare and to constitute a public nuisance. The Director of Registration and Education may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply for an injunction in any court of competent jurisdiction to enjoin any person who has not been issued a certificate of registration or whose certificate of registration has been suspended or revoked, or

whose certificate of registration has not been renewed, from practicing beauty culture; and, upon the filing of a verified petition in such court, the court or any judge thereof, if satisfied by affidavit, or otherwise, that such person is or has been practicing beauty culture without having been issued a certificate of registration or after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, may issue a temporary injunction, without notice or bond, enjoining the defendant from further practicing beauty culture. A copy of said verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as in other civil cases. If it be established that said defendant has been, or is practicing beauty culture without having been issued a certificate of registration or has been or is practicing beauty culture after his certificate of registration has been suspended or revoked, or after his certificate of registration has not been renewed, the court, or any judge thereof, may enter a decree perpetually enjoining said defendant from further practicing beauty culture. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Such injunction proceeding shall be in addition to, and not in lieu of, all penalties and other remedies in this Act provided. (Added by Act approved July 10, 1953.)

Sec. 16. Whoever violates any of the following shall, for the first offense, be fined not less than $100 nor more than $500; for the second offense, be fined not less than $500 nor more than $1000; and for subsequent offenses, shall be imprisoned in the county jail for not less than six months nor more than one year.

(a) The practice of beauty culture or an attempt to practice beauty culture without a

certificate of registration as a registered beauty culturist;

(b) Service as an apprentice under a registered beauty culturist or an attempt to serve as an apprentice under a registered beauty culturist without a certificate of registration as an apprentice;

(c) Permitting any person in one's employ, supervision or control, to serve as an apprentice under a registered beauty culturist, unless that person has a certificate of registration as a registered apprentice;

(d) The obtaining of or an attempt to obtain a certificate of registration, or money or any other thing of value by fraudulent misrepresentation;

(e) Practice in the profession, or an attempt to practice in the profession by fraudulent misrepresentation;

(f) Wilfully making of any false oath or affirmation whenever an oath or affirmation is required by this Act;

(g) The violation of the provisions of Section 10 of this Act;

(h) Permitting more than one registered apprentice to serve in one's beauty culture establishment, other than a school of beauty culture approved by the Department of Registration and Education;

(i) Permitting a registered apprentice or any other person not a registered beauty culturist serving under one's supervision to practice beauty culture independently;

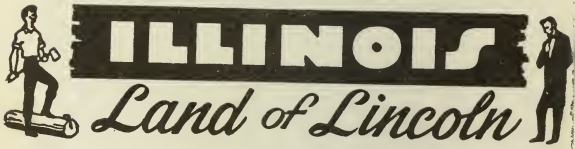
(j) Aiding, abetting, or conspiring with any registered apprentice, registered beauty culturist, or any other person in violating the provisions of this Act;

(k) If a fine is collected, one-half of the fine so collected shall be paid to the county where suit is brought and one-half shall be paid to the Department of Registration and Education. (Amended by Act approved July 24, 1951.)

Sec. 17. The Department of Registration and Education shall keep a record, which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence and the date and number of the certificate of registration of every registered beauty culturist and registered apprentice in this State.

Sec. 17a, Sec. 17b. Repealed by Act approved July 24, 1945.

Sec. 18. This Act may be known and cited as "The Illinois Beauty Culture Act."



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